



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 10

BARBARA S. KITCHELL
ARNOLD WHITE & DURKEE
P.O. BOX 4433
HOUSTON, TEXAS 77210-4433

COPY MAILED

APR 19 1999

In re Application of
Olufunmilayo I. Olopade
Application No. 08/674,311
Filed: July 1, 1996
Attorney Docket No. ARSB:509

SPECIAL PETITION OFFICE
DEPARTMENT OF COMMERCE

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 1998, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the final Office action mailed November 10, 1997, which set a three month shortened statutory period for reply. A one month extension of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on March 11, 1998. A Notice of Abandonment was mailed on June 3, 1998.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

The file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Karen Canaan at (703) 306-3313.

Frances Dickason
Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects